

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**SHANNON BAUM,  
Plaintiff,**

**vs.**

**Civ. No. 13-1060 RB/KK**

**OFFICER MICHELLE ORTEGA,  
OFFICE MARTIN VIGIL,  
OFFICER GREG ESPARZA, and  
JOHN DOES 1 THROUGH 10  
in his/her official capacity as employees/  
law enforcement officers of Española  
City Police Department, ESPAÑOLA  
POLICE DEPARTMENT, a Department  
of the City of Española, State of New Mexico;  
and THE CITY OF ESPAÑOLA,  
State of New Mexico, County of Rio Arriba,  
State of New Mexico,  
Defendants.**

**RESPONSE TO COURT'S ORDER FOR RESPONSE TO ORDER TO SHOW CAUSE  
AND REQUEST FOR AN EXTENSION OF TIME OF THE SETTLEMENT  
CONFERENCE**

COMES NOW Attorney for Plaintiff and responds to the Court's Order for a response to the Court's order to Show Cause as to why Plaintiff's Attorney should not be sanctioned for failure to file his statement for Settlement Conference as Ordered on September 19, 2014. In response to the Court's Order Plaintiff's attorney states:

1. The undersigned spoke to the Court's administrative assistant on Monday September 29, 2014 and was advised that he had not yet filed a statement of position for Settlement Conference scheduled on October 2, 2014. This response was due by 4:00 PM on September 30, 2014.

2. Plaintiff's lawyer was in Los Lunas before the Honorable James Sanchez until 11:30 AM and did not see this order to respond until he returned at approximately 12:45 PM.

**3.** After appearing in Magistrate Court at 1:15 he was able to respond.

**4.** After speaking with the Court's assistant on September 29, 2014 the undersigned searched his email records and located the Order that she was speaking of and discovered that he had indeed failed to see and file the appropriate documents for the settlement conference.

**5.** This failure to see this order was not intentional and due to inadvertence.

**6.** It is now apparent that Plaintiff needs to request an extension of the Settlement Conference due to his inadvertent failure to see and download the Court's Order regarding the Plaintiff's Settlement position.

**7.** Plaintiff's attorney did not have a computer literate clerical person at the time of this notice and through the undersigned's own fault did not see and download the Order which required the response.

**8.** The undersigned is requesting an extension of the Settlement Conference of at least 20 days or whatever schedule fits the Court's schedule for this Settlement Conference

**9.** The undersigned is further requesting that the Court not sanction him for this failure to respond properly because it was not intentional and due to his own inadvertence and not having the correct staff to handle this type of situation.

**10.** Mark Basham, attorney for the Defendant, does not oppose an extension of time for this Settlement conference provided that the adjuster is allowed to appear by telephone when this Settlement Conference is reset in order to mitigate his damages because he has purchased his airline ticket and will suffer a penalty for cancellation of his ticket

Respectfully submitted,

/s/

DANIEL R. MARLOWE

Attorney for Plaintiff

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I hereby certify that on September 30, 2014, I filed the foregoing pleading electronically through the CM/ECF system, which caused counsel of record for the United States, and current counsel of record for the Defendant(s), to be served with a copy of this pleading by electronic means.

Electronically filed /s/ Daniel R. Marlowe